

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tadashi Fujii et al.

Serial No. 09/762,230

Filed February 5, 2001



Docket No. 2001-0116A

Group Art Unit Not Yet Assigned

Examiner Not Yet Assigned

GENE PARTICIPATING IN THE
PRODUCTION OF HOMOGLUTAMIC
ACID AND ITS USE

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C. 20231

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Responsive to the Notification of Missing Requirements dated March 29, 2001, there is submitted herewith, in a separate Preliminary Amendment, a paper copy of a Sequence Listing for the above-identified application which has been prepared in accordance with the sequence rules under 37 CFR 1.821-1.825. The Sequence Listing contains the identical sequences appearing in the original application papers. Thus, no new matter has been added.

There is also submitted herewith a copy of the Sequence Listing in computer readable form as required by 37 CFR 1.821(e). The content of the paper and computer readable copies are the same.

A copy of the Notice is also attached as required.

Applicants note that the Notification of Missing Requirements also indicated that an executed Oath and Declaration of the Inventors has not yet been submitted. Applicants wish to

point out that an executed Oath and Declaration was submitted with the application papers when the application was filed on February 5, 2001. A copy of the submitted executed Declaration is attached herewith along with the Transmittal letter and Postcard receipt (both indicating the filing of the executed Declaration). Applicants respectfully request that the Patent Office review the application papers filed February 5, 2001 to ensure that the executed Declaration is present in the file.

In view of the foregoing, it is believed that each requirement set forth in the Notice has been satisfied, and that the application is now in compliance with the sequence rules under 37 CFR 1.821-1.825. Accordingly, favorable examination on the merits is respectfully requested.

Respectfully submitted,

Tadashi Fujii et al

By: 

Lee Cheng
Registration No. 40,949
Attorney for Applicants

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Telephone (202) 721-8200
Facsimile (202) 721-8250
May 25, 2001

ATTORNEY DOCKET NUMBER
2001_0116ATRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.
(If known, see 37 CFR 1.5)
NEWInternational Application No.
PCT/JP99/04197International Filing Date
August 4, 1999Priority Date Claimed
August 5, 1998

Title of Invention

GENE PARTICIPATING IN THE PRODUCTION OF HOMOGLUTAMIC ACID AND ITS USE

Applicant(s) For DO/EO/US

Tadashi FUJII, Takao NARITA, Kuniho NAKATA, Hitosi AGEMATU, Hiroshi TSUNEKAWA, Kunio ISSHIKI and Takeo YOSHIOKA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. §371(c)(2)). **ATTACHMENT A**
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☒ An executed oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). **ATTACHMENT B**
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **ATTACHMENT C**
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.


ATTACHMENT D

13. ☐ A **FIRST** preliminary amendment.

☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.

14. ☒ Other items or information: Cover letter (**ATTACHMENT E**) with 4 deposit receipts and their Verification of Translation.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

U.S. APPLICATION NO. (if known, — 37 CFR 1.5) NEW		INTERNATIONAL APPLICATION NO. PCT/JP99/04197		ATTORNEY'S DOCKET NO. 2001 0116A					
15. <input checked="" type="checkbox"/> The following fees are submitted BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee nor international search fee paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00 International Search Report has been prepared by the EPO or JPO \$ 860.00 International preliminary examination fee not paid to USPTO but international search paid to USPTO \$ 710.00 International preliminary examination fee paid to USPTO but claims did not satisfy provisions of PCT Article 33(1)-(4) \$ 690.00 International preliminary examination fee paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$ 100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th style="width: 40%;">PTO USE ONLY</th> </tr> <tr> <td style="height: 100px; vertical-align: bottom;">\$860.00</td> <td></td> </tr> </table>		CALCULATIONS	PTO USE ONLY	\$860.00	
CALCULATIONS	PTO USE ONLY								
\$860.00									
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$					
Claims	Number Filed	Number Extra	Rate						
Total Claims	-20 =		X \$18.00	\$					
Independent Claims	-3 =		X \$80.00	\$					
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$					
TOTAL OF ABOVE CALCULATIONS =				\$860.00					
<input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.				\$					
SUBTOTAL =				\$860.00					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$				
TOTAL NATIONAL FEE =				\$860.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$40.00					
TOTAL FEES ENCLOSED =				\$900.00					
				Amount to be refunded	\$				
				Amount to be charged	\$				
a. <input checked="" type="checkbox"/> A check in the amount of \$900.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975.									
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.									
19. CORRESPONDENCE ADDRESS <div style="text-align: center;">  000513 PATENT TRADEMARK OFFICE </div>			By: <u>Warren M. Cheek, Jr.</u> Warren M. Cheek, Jr., Registration No. 33,367 WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006 Phone: (202) 721-8200 Fax: (202) 721-8250 February 5, 2001						

ATTY DOCKET # 2001_0116A
OUR REF: [2001_0116A/WMC/00202]

Due Date: February 5, 2001

JC04 Rec'd PCT/PTO 0 5 FEB 2001

Applicant Tadashi Fujii et al.

Serial N NEW Filing Date February 5, 2001

Title GENE PARTICIPATING IN THE PRODUCTION OF HOMOGLUTAMIC ACID AND ITS USE

Receipt of the following papers is acknowledged:

09/762230

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371 (National stage application of PCT/JP99/04197)
2. Attachments: (A) An International Application including Specification, Claims and Abstract (34 pages) 14 pages of Sequence Listing, and 7 Sheets of Drawings (Figs. 1-9), (B) Executed Declaration, (C) Information Disclosure Statement, 1449 form, International Search Report, International Preliminary Examination Report, (D) Assignment recordal sheet, Assignment, (E) Cover Letter with 4 deposit receipts.
3. Check in the amount of \$900.00

Date February 5, 2001

Attorney WMC/

THE COMMISSIONER IS AUTHORIZED

TO CHARGE ANY DEFICIENCY IN THE

FEE FOR THIS PAPER TO DEPOSIT

ACCOUNT NO. 23-0975.

Check N. 41844



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DCKET NO.
09/762230	FUJII T	2001 0116A
INTERNATIONAL APPLICATION NO.		
PCT/JP99/04197		
I.A. FILING DATE		PRIORITY DATE
04 AUG 99		05 AUG 98
DATE MAILED: 29 MAR 2001		

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W. SUITE 800
WASHINGTON, DC 20006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input checked="" type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
☐ U.S. Basic National Fee. ☐ Copy of the international application.3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875☐ Notice of Defective Translation
☒ PCT/DO/EO/920

Kaya Baltimore

Telephone: 703-305-3696

FORM PCT/DO/EO/905 (March 2001)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DCKET NO.
09/762230	FUJII	T 2001 0116A
INTERNATIONAL APPLICATION NO.		
PCT/JP99/04197		
I.A. FILING DATE		PRIORITY DATE
04 AUG 99		05 AUG 98
DATE MAILED: 25 MAR 2001		

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W. SUITE 800
WASHINGTON, DC 20006

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☐ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☒ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Kaya Baltimore
Telephone: 703-305-3696